

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

YUMIKO HURST,
Plaintiff,

v.

BIGGE CRANES AND RIGGING CO., et
al.,
Defendants.

Case No. [19-cv-05442-SI](#)

**ORDER DISMISSING COMPLAINT
FOR FAILURE TO PROSECUTE**

Re: Dkt. No. 9

On August 29, 2019, pro se Plaintiff Yumiko Hurst filed a complaint and an application for leave to proceed in forma pauperis (“IFP”). Dkt. Nos. 1, 3.

On September 3, 2019, Magistrate Judge Dona Ryu granted Plaintiff’s IFP application and noted that the Court would determine separately whether the complaint should be served. Dkt. No. 5. On September 24, 2019, Judge Ryu issued an order screening the complaint pursuant to 28 U.S.C. § 1915(e) and ordering Plaintiff to file a first amended complaint that addressed the deficiencies identified in the screening order by October 8, 2019. Dkt. No. 7. Judge Ryu warned Plaintiff that failure to file a timely first amended complaint would result in a recommendation that her action be dismissed. *Id.* at 7. No amended complaint was filed. On October 16, 2019, Judge Ryu issued a report and recommendation reassigning the case to a district court judge for final disposition, with the recommendation that the action be dismissed without prejudice for failure to prosecute and further ordered any party may file objections to the report and recommendation with the district judge within 14 days after being served with a copy. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a); N.D. Cal. Civ. L.R. 72-2.

The parties have had well beyond 14 days to object and no such objection has been lodged

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or otherwise filed. Therefore, the Court finds that Plaintiff has failed to prosecute this action, adopts Judge Ryu’s report and recommendation and dismisses the action without prejudice.

IT IS SO ORDERED.

Dated: February 10, 2020



SUSAN ILLSTON
United States District Judge